

Introduced by Senator Oropeza

February 21, 2008

An act to add Chapter 4.1 (commencing with Section 118955) of Part 15 of Division 104 of the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

SB 1418, as introduced, Oropeza. Smoking bans: state parks and beaches.

Existing law declares that tobacco smoke is a hazard to the health of the general public. Existing law regulates the smoking of tobacco within specified types of publicly owned buildings and facilities that are open to the general public.

This bill would make it an infraction, punishable by a fine not exceeding \$100, to smoke a pipe, cigar, or cigarette containing tobacco or another plant, at a state park, state beach, or other unit of the state park system. Because the bill would create an infraction, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 4.1 (commencing with Section 118955)
2 is added to Part 15 of Division 104 of the Health and Safety Code,
3 to read:

4
5 CHAPTER 4.1. OUTDOOR AIR QUALITY

6
7 Article 1. Smoking at State Parks and Beaches

8
9 118955. (a) It shall be unlawful for a person to smoke a pipe,
10 cigar, or cigarette containing tobacco or any other plant, at a state
11 park, state beach, or any other unit of the state park system.

12 (b) For the purposes of this section, “to smoke” means to have
13 in one’s immediate possession a lighted pipe, cigar, or cigarette
14 containing tobacco or any other plant.

15 (c) A violation of this section is an infraction punishable by a
16 fine not exceeding one hundred dollars (\$100) for each violation.

17 SEC. 2. No reimbursement is required by this act pursuant to
18 Section 6 of Article XIII B of the California Constitution because
19 the only costs that may be incurred by a local agency or school
20 district will be incurred because this act creates a new crime or
21 infraction, eliminates a crime or infraction, or changes the penalty
22 for a crime or infraction, within the meaning of Section 17556 of
23 the Government Code, or changes the definition of a crime within
24 the meaning of Section 6 of Article XIII B of the California
25 Constitution.